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GENERAL ASSEMBLY
Fifty-third session
Agenda items 20, 105 and 110
STRENGTHENING OF THE COORDINATION OF HUMANITARIAN AND DISASTER RELIEF ASSISTANCE OF THE UNITED NATIONS, INCLUDING SPECIAL ECONOMIC ASSISTANCE
REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES: QUESTIONS RELATING TO REFUGEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-fourth year

Letter dated 29 January 1999 from the Permanent Representative of Eritrea to the United Nations addressed to the Secretary-General

I have the honour to transmit an eyewitness report issued on 29 January 1999 by Amnesty International concerning the gross violation of human rights of Eritreans and Ethiopians of Eritrean origin by the Ethiopian Government (see annex). I cannot emphasize enough the cruelty of the mass deportations by the regime in Ethiopia, to which the international community has the responsibility to respond.

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda items 20, 105 and 110, and of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

Annex

REPORT ISSUED ON 29 JANUARY 1999 BY AMNESTY INTERNATIONAL

Ethiopia/Eritrea: Amnesty International witnesses cruelty of mass deportations

"I was picked up at night, thrown into prison, not allowed time to pack. I asked what my crime was. 'You're an Eritrean,' they said."

Amnesty International representatives returning from investigations in Ethiopia and Eritrea warned today that forced mass deportation now threatens everyone of Eritrean origin in Ethiopia, causing untold suffering to thousands of families every week.

Last week in Eritrea, Amnesty International's representatives witnessed the arrival of some 1,280 women, men and children of Eritrean origin who had been rounded up and deported by the Ethiopian authorities. Most of those Amnesty International spoke to either had Ethiopian passports, or had been born or spent their entire working lives there, and considered themselves Ethiopians.

Ethiopia's policy of deporting people of Eritrean origin after war between the two countries broke out in May 1998 has now developed into a systematic, country-wide operation to arrest and deport anyone of full or part Eritrean descent. Fifty-two thousand Eritreans have been arbitrarily deported from Ethiopia over the last seven months, 6,300 so far in January 1999.

"Women, some of them pregnant, children, the elderly -- even hospital patients -- are now being arrested and detained in the middle of the night," Amnesty International's representatives said.

"People of all ages, from babies to pensioners, are imprisoned in harsh conditions for several days before being forced to board buses under armed guard with only one piece of luggage each -- if that -- and being dumped at the border. They arrive hungry and exhausted, and often ill, after the three-day journey."

Families have been split up, the male head usually deported first, and his wife, parents and children weeks or months later. The many Ethiopians married to Eritreans are forbidden to leave and forced to watch helplessly while their spouse and children are deported.

Deportees have had to abandon their homes, possessions, businesses and other property with no guarantee of ever recovering them. Individuals who have protested have been threatened or beaten. The deportees were arbitrarily stripped of their Ethiopian citizenship without any warning, legal process or right of appeal.

Ethiopia's Prime Minister Meles Zenawi has said that the deportees posed a threat to national security and that they had forfeited their Ethiopian citizenship by voting in Eritrea's independence referendum in 1993.

Amnesty International representatives visited Ethiopia in October 1998 and Eritrea in January 1999 to examine allegations from both sides of human rights abuses arising from the May 1998 conflict. They met government officials and interviewed returnees from both countries.

At least 22,000 Ethiopians have returned to Ethiopia from Eritrea since May, most after losing their jobs and being rendered destitute as a result of the hostilities, and some in fear of reprisals. No evidence was found to support Ethiopia's allegations that 40,000 of its citizens have been seriously ill-treated and forcibly deported from Eritrea since May 1998.

Enquiries were also made into the Eritrean bombing of a school in Mekelle, northern Ethiopia, in June 1998. The Eritrean government admitted the resulting deaths of 48 civilians, including women and children, were a "mistake", but has established no independent investigation into the bombings. An Ethiopian plane bombed and killed one person at the airport in Asmara, the Eritrean capital, the same day.

Amnesty International is reiterating its appeal to the Ethiopian government to put an immediate stop to the deportations and ill-treatment of deportees, and arbitrary detentions of thousands of other Eritreans, including 38 students in Blattein military camp. They contravene Ethiopia's laws and Constitution, as well as the international human rights treaties Ethiopia has ratified.

In the event of further fighting, the human rights organization urges both sides to respect the Geneva Conventions, which Eritrea should immediately ratify. They should also ensure that civilians do not become targets or victims of the fighting, and that no Eritreans in Ethiopia, or Ethiopians in Eritrea, should suffer reprisal because of their national origin.

"The international community -- particularly government representatives stationed in Ethiopia -- must break their silence and make a joint stand against the deportations and other human rights violations," Amnesty International said.

Background

The deportations of Eritreans from Ethiopia began on 12 June, one month after war broke out in May 1998 between the former close allies who fought together as guerrilla movements to overthrow the Dergue government in Ethiopia in 1991, when Eritrea became a separate independent state. What began as a border conflict led to some ground fighting, then air attacks by both sides, and occasional artillery firing along the border.

Mediation by the Organization of African Unity (OAU), the United Nations, the United States and other governments is continuing to avert a near-imminent all-out war which would be devastating for both sides. Each side has re-armed and has mobilized massive forces along the border, and the fighting has already displaced up to a quarter-million people.

Ethiopia is state party to International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights, the Convention on the Rights of the Child, and the Geneva Conventions.

UNITED NATIONS **S**

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LETTER DATED 29 JANUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to enclose the statement of the Foreign Ministers of France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America (the Contact Group) following their meeting in London on 29 January 1999.

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Jeremy GREENSTOCK

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Annex

Statement by the Contact Group issued in London on 29 January 1999

1. Contact Group Ministers met in London on 29 January to consider the critical situation in Kosovo, which remains a threat to peace and security in the region, raising the prospect of a humanitarian catastrophe.

2. Despite the intensive efforts of the international community, violence remains a daily occurrence in Kosovo. Ministers unreservedly condemned the massacre of Kosovo Albanians at Racak, which resulted in several thousand people fleeing their homes. The escalation in violence - for which both Belgrade's security forces and the Kosovo Liberation Army (KLA) are responsible - must be stopped. Repression of civilians by the security forces must end and those forces must be withdrawn. Ministers of the Contact Group deplore the failure of the parties to make progress towards a political settlement, and cannot accept that this should permit the crisis to continue. Time is of the essence in reaching a solution, and the Contact Group is therefore assuming its responsibility.

3. Ministers called on both sides to end the cycle of violence and to commit themselves to a process of negotiation leading to a political settlement. To that end, the Contact Group:

(a) Insisted that the parties accept that the basis for a fair settlement must include the principles set out by the Contact Group;

(b) Considered that the proposals drafted by the negotiators contained the elements for substantial autonomy for Kosovo and asked the negotiators to refine them further to serve as the framework for agreement between the parties;

(c) Recognized that the work done by the negotiators had identified the limited number of points that required final negotiation between the parties;

(d) Agreed to summon representatives from the Federal Yugoslav and Serbian Governments and representatives of the Kosovo Albanians to Rambouillet by 6 February, under the co-chairmanship of Hubert Vedrine and Robin Cook, to begin negotiations with the direct involvement of the Contact Group. The Contact Group recognized the legitimate rights of other communities within Kosovo. In the context of these negotiations, it will work to ensure that their interests are fully reflected in a settlement;

(e) Agreed that the participants should work to conclude negotiations within seven days. The negotiators should then report to Contact Group Ministers, who will assess whether the progress made justifies a further period of less than one week to bring the negotiations to a successful conclusion.

4. The Contact Group demanded that the parties seize this opportunity to reach a settlement offering peace to the people of Kosovo. The Contact Group praised the present role of the Organization for Security and Cooperation in

Europe (OSCE) Kosovo Verification Mission in working to reduce tensions in Kosovo and create the conditions for political dialogue, and recognized the continuing role of the Mission. The Contact Group recognized that continuing international engagement would be necessary to help the parties implement a settlement and rebuild the shattered province. It required that the parties accept the level and nature of international presence deemed appropriate by the international community.

5. In the meantime, the Contact Group demands that the Federal Republic of Yugoslavia:

(a) Stop all offensive actions/repression in Kosovo;

(b) Comply fully with the OSCE/Federal Republic of Yugoslavia and the North Atlantic Treaty Organization (NATO)/Federal Republic of Yugoslavia agreements and relevant Security Council resolutions;

(c) Promote the safe return of all those who have been forced to flee their homes as a result of the conflict. This includes bringing much-needed relief to Kosovo;

(d) Cooperate fully with OSCE and permit the Kosovo Verification Mission and its Chief of Mission to continue to carry out their responsibilities unhindered;

(e) Cooperate fully with the International Tribunal for the Former Yugoslavia as required by relevant Security Council resolutions;

(f) Conduct a full investigation of Racak with the participation of the International Tribunal for the Former Yugoslavia, allowing the Chief Prosecutor and Tribunal investigators to enter and work in Kosovo to participate in the investigation of the massacre;

(g) Identify and suspend the Yugoslav Army/Serbian Special Police officers operating in Racak at the time of the massacre until the results of the investigation become available;

(h) Mitigate the sentences of those imprisoned in connection with the conflict and provide due process to all detainees.

6. The Contact Group emphasized that compliance with Security Council resolutions 1160 (1998), 1199 (1998) and 1203 (1998) applied equally to the Kosovo Albanians. It condemned all provocations by the KLA, which could only fuel the cycle of violence, and insisted that all hostages should be released. The Contact Group believes that the framework it has set out meets the legitimate aspirations of the Kosovo Albanians and demands that their leaders rally behind negotiations to reach a settlement and end provocative actions which would impede the political process.

7. The Contact Group asked Robin Cook to travel to Belgrade and Pristina to transmit these messages to the parties.

8. The future of the people of Kosovo is in the hands of leaders in Belgrade and Kosovo. They must commit themselves now to complete the negotiations on a political settlement within 21 days to bring peace to Kosovo. The Contact Group will hold both sides accountable if they fail to take the opportunity now offered to them, just as the Group stands ready to work with both sides to realize the benefits for them of a peaceful solution.

UNITED
NATIONS

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LETTER DATED 29 JANUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

My Government wishes to state the following in reference to resolution 1226 (1999) on the situation between Eritrea and Ethiopia, which was adopted by the Security Council today, 29 January 1999:

- Eritrea recognizes the concern of the Security Council about the border conflict between Eritrea and Ethiopia.

- Eritrea earnestly hopes that the Security Council regards the Organization of African Unity (OAU) Framework Agreement as a framework for a peaceful process.

- Eritrea is fully engaged in the peace process because it understands and realizes full well that the framework is not a "take it or leave it" offer.

- Eritrea has been expressing its reservations and protests on the continued interference of the United States Government in the matter. Eritrea continues to follow with dismay the pressures that the United States is bringing to bear to curtail the peace process under way.

- The Ethiopian Government has not only declared war but continues to operate through a policy of incessant threats of launching the war and through diplomatic intimidation. That the Ethiopian Government is ready to unleash war (according to its own pronouncements) is also a fact well known to all and which we are following with utmost patience. Eritrea further knows that the Ethiopian Government is engaged in a concerted campaign to solicit international blessing for the war that it intends to unleash.

- Eritrea does not believe in the logic of force. It does not believe in the diplomacy of intimidation. Eritrea has been calling incessantly for the cessation of hostilities so as to pave the way for the path of peace. Eritrea renews this call on this occasion. It rejects categorically all pretexts that lead to and justify war.

Eritrea wishes to underline that its legitimate right of self-defence remains unquestionable.

- Eritrea is dismayed by the silence, indeed utter disregard by the Council of the continuing horrendous crimes of mass deportation, incarceration and expropriation of Eritreans and Ethiopians of Eritrean origin (more than 52,000 to date) by the Ethiopian Government. Eritrea has strictly upheld its pledge and duty to respect the rights of Ethiopians in Eritrea. These facts have been widely corroborated by independent witnesses, the latest of which is Amnesty International, which disclosed its findings just yesterday.

- Eritrea will remain engaged in the OAU and other peace endeavours so long as such endeavours lead to peace.

I should be grateful if you would kindly circulate the text of the present letter as a document of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

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FOURTH REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS MISSION IN THE CENTRAL AFRICAN REPUBLIC

I. INTRODUCTION

1. In my third report to the Security Council on the United Nations Mission in the Central African Republic (MINURCA), dated 18 December 1998 (S/1998/1203), I invited the Council to consider extending the mandate of MINURCA with its existing structure and overall strength until the presidential elections scheduled to take place in the latter half of 1999. However, in order to help address certain concerns raised by members of the Security Council, as well as to assess more closely the situation on the ground, I decided to send Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations, as my Personal Envoy to the Central African Republic. I requested Mr. Annabi, in reinforcing the efforts of my Special Representative in the Central African Republic, Oluyemi Adeniji, to seek additional clarification and commitment from the Government of the Central African Republic in respect of a number of points arising from recent developments in and around the country.

II. DEVELOPMENTS SINCE MY REPORT OF 18 DECEMBER 1998

Aftermath of the legislative elections

2. As a result of the elections held on 22 November and 13 December 1998 for the 109 seats in the National Assembly, the ruling party and its allies, known collectively as the Mouvance Présidentielle, won 54 seats, while the coalition of opposition parties won 55 seats. However, in the period following the formal proclamation of the results by the Constitutional Court, one opposition legislator announced his support for the Mouvance Présidentielle, which thereupon claimed a majority in the Assembly and the right to the presidency and other key positions of the Assembly's Bureau.

3. The opposition parties reacted strongly to this development, walking out of the Assembly shortly after it convened on 4 January 1999. Roadblocks and barricades were set up in certain parts of the capital, Bangui, and MINURCA was placed on alert and increased its patrolling activity before calm was restored. Despite intensive consultations with the parties conducted by my Special Representative between 8 and 10 January, the impasse has persisted.

4. In the meantime, President Ange Félix Patassé has nominated as Prime Minister the former Finance Minister, Anicet Georges Dologuele, and the ruling party members of the National Assembly, acting after the walkout of the opposition members, have elected Appolinaire Dondon as President of the Assembly. Though the President initially announced the creation of a Government comprising 23 members, including four from the opposition, three of the opposition members have now left the Government and have been replaced by persons chosen by the President.

Implementation of the Bangui Agreements

5. In accordance with the Bangui Agreements, signed in January 1997, the Government of the Central African Republic committed itself to a number of reforms, of which the most important, concerning the restructuring of the armed forces and the adoption of measures to strengthen the economy, remain to be accomplished.

6. With the assistance and participation of MINURCA, a joint committee established by the Government has drawn up two draft bills and four draft decrees relating to the restructuring of the defence and security forces. As I indicated in my report of 18 December (paras. 24-26), these now await the approval of the National Assembly. It would also be important to ensure that the new security agencies created by presidential decree on 4 March 1998, the Special Force for the Defence of Republican Institutions (FORSDIR) and the Directorate-General for State Documentation (DGDE), do not assume security functions which ought to be assigned to the police or the gendarmerie.

7. I would recall the proposal I made in my previous report (para. 44) concerning the kind of assistance MINURCA could offer the Government in creating a national, multi-ethnic army whose size and activities would be in line with national budgetary capacity. I would stress that United Nations military personnel would neither engage in the military training of the personnel of the armed forces of the Central African Republic nor provide any form of operational assistance to them. These should remain bilateral functions. However, the United Nations can assist in the creation of a renovated armed force under civilian democratic control that is representative of the nation as a whole and administered efficiently. A small team of United Nations military experts would focus on providing managerial and organizational advice to the relevant officials of the Ministry of Defence of the Central African Republic in charge of the restructuring process. The objective would be to assist in laying the foundations for the sound management of the restructured armed forces. The United Nations could also facilitate the identification of suitable bilateral partners and coordinate the support of donors for such a process. The proposed team of experts, numbering not more than 20 to 25 persons, would be accommodated within the already established limits of the force.

8. The initiative I had in mind, should the Security Council agree, would therefore also complement and broadly conform with the assistance MINURCA is already providing to the police and gendarmerie of the Central African Republic. It should be recalled that the general aim of the 24 civilian police officers attached to MINURCA is to assist in the creation of a police force whose personnel and operations meet internationally accepted standards of policing in

democratic societies. In this effort, they need the continued assistance of donors willing to provide the technical resources required by the restructured police force and gendarmerie, as well as the maintenance of a reasonably stable and secure environment.

9. As I indicated in my report of 18 December, despite agreements on economic and financial reforms reached with the Bretton Woods institutions, the Government has not, so far, been able to meet a number of important obligations. These include the regular payment of salaries in order to avoid new accumulations of arrears, as well as the payment of pensions and student bourses; the privatization of public enterprises, including the oil company PETROCA; and the maintenance of government revenues at an acceptable level. As a result, the International Monetary Fund mission that visited the country in October 1998 was not in a position to recommend the release of the second allocation of 6 billion CFA francs under the Enhanced Structural Adjustment Facility Agreement signed on 22 July 1998. A follow-up visit scheduled for January 1999 has been postponed to 16 February since, as noted above, the National Assembly is not yet in a position to approve the budget.

Situation in the Democratic Republic of the Congo

10. In early January, heavy fighting broke out between the forces of President Kabila and Congolese rebels and their allies on the Congolese side of the Oubangui River, which forms the boundary between the Central African Republic and the Democratic Republic of the Congo. The fighting resulted in an influx of some 5,000 persons into the territory of the Central African Republic, about half of whom were registered as refugees by the Office of the United Nations High Commissioner for Refugees. Pursuant to a defence agreement between President Patassé and President Kabila, some 550 Congolese Government troops then transited through Bangui and across the river into Congolese territory. The opposition, stressing that the National Assembly has never ratified the defence agreement with the Democratic Republic of the Congo, has accused President Patassé of risking the involvement of the Central African Republic in the conflict across the border.

III. VISIT OF MY PERSONAL ENVOY

11. In the light of this situation, I requested my Personal Envoy to make the following points to the Government during his visit:

(a) The impasse surrounding the composition of the Bureau of the National Assembly should be resolved in a manner consistent with the spirit of national reconciliation required by the Bangui Agreements so as to ensure the constructive participation of the opposition in the work of the Assembly and the early adoption of a budget;

(b) Every effort should be made to implement the remaining provisions of the Bangui Agreements by moving forward resolutely on the restructuring of the armed forces, including the restriction of the activity of FORSDIR to exclude traditional police and gendarmerie functions;

(c) The Government should comply with the provisions of its agreements with the international financial institutions and should, in particular, ensure the regular payment of salaries, the rapid privatization of certain State enterprises and the maintenance of State revenues at a suitable level;

(d) The Central African Republic should on no account allow itself to be drawn into the conflict in the neighbouring Democratic Republic of the Congo. Such a development would place at risk the gains made so far in restoring a stable and secure environment in Bangui, place in doubt the ability of the United Nations to retain a peacekeeping mission in the Central African Republic and pose a potential threat to the safety of United Nations personnel.

12. During his visit to the Central African Republic from 19 to 23 January 1999, Mr. Annabi met with President Patassé, Prime Minister Dologuele, Defence Minister Pascal Kado and representatives of the Mouvance Présidentielle, as well as the main opposition figures, members of the diplomatic community and representatives of United Nations agencies and programmes represented in the Central African Republic. Mr. Annabi made it clear to his interlocutors that the response of the Security Council to my proposal to extend the mandate of MINURCA until the presidential elections would depend on concrete action which needs to be taken by the Government to address the concerns listed above.

13. In response to the points my Personal Envoy made on my behalf, the President and other interlocutors, stressing that they strongly supported the continued presence of MINURCA as being indispensable for the continued stability and security of the country, stated the following:

(a) The Government had tried to reach agreement with the opposition parties on the formation of a government. Four opposition members had initially been approached to serve as members, but three were then forced by their parties to resign. Despite these resignations, the Prime Minister had made every effort to form a government representative of all areas of the country. The President expressed regret that the opposition had not so far been prepared to participate in the work of the National Assembly and the election of its Bureau. He stressed that he remained open to a solution that would meet the interests of all concerned;

(b) The restructuring of the Central African Armed Forces (FACA) was highly desirable in order to ensure that it was fully representative of the nation. The lack of funds had so far made this goal very difficult to achieve, but the Government was prepared to work with MINURCA to move the process forward;

(c) The Prime Minister was well known and respected by the international financial institutions and would ensure that the Government met the obligations incumbent upon it as a result of the agreements reached with them;

(d) The Government had no intention of allowing the country to be involved in the Congolese conflict and did not believe their territory was at risk from the rebels there.

14. The President also stated his intention to conduct presidential elections on schedule before the end of the year and in full compliance with the relevant constitutional provisions. He indicated that the necessary preparations would be initiated shortly. The President again requested United Nations assistance in helping to prepare and monitor the elections.

15. In his discussion with President Patassé, recalling the letter addressed to me by the President, dated 8 January 1998 (S/1998/61, annex), containing a number of commitments he had undertaken at that time, Mr. Annabi indicated that it might be appropriate to send a further letter responding in precise terms to the current concerns of the international community regarding the peace process in the Central African Republic. On 23 January 1999, President Patassé handed to my Personal Envoy a letter which is contained in the annex to the present report.

IV. ACTION EXPECTED FROM THE GOVERNMENT

16. In his letter, President Patassé made a number of detailed commitments arising from the Bangui Agreements and in line with the concerns expressed by my Personal Envoy and the international financial institutions. I have since urged the President to adhere in a timely manner to the commitments he made in the letter. Satisfactory action in this regard would lead within a short time to the following outcomes:

(a) The participation of the opposition, in a constructive manner, in the National Assembly and its Bureau and in the political life of the country in general;

(b) The adoption by the National Assembly, at an early date, of a budget satisfactory to the international financial institutions before their visit scheduled to take place in February;

(c) The adoption of the draft laws on the restructuring of the armed forces by the National Assembly at an early date and the approval by the President of the related draft decrees;

(d) The restriction of the activities of FORSDIR to exclude the functions of the police and gendarmerie and the verification by MINURCA of the measures taken by the authorities to that end;

(e) The finalization of measures to privatize state enterprises, particularly PETROCA, within the next few weeks.

V. CONCLUSIONS AND RECOMMENDATIONS

17. MINURCA has been and remains a source of much-needed stability, both in the Central African Republic and in the subregion as a whole. All his Central African interlocutors, as well as the diplomatic community and United Nations agency personnel, confirmed to my Personal Envoy that the withdrawal of MINURCA

would seriously jeopardize the progress made so far in normalizing life in the Central African Republic.

18. The deployment of MINURCA was just one of the steps taken by the international community to help the Central African Republic. At the same time, the international financial institutions have also provided assistance. The premature withdrawal of international support in any of the key areas could easily undermine and even reverse the fragile progress made so far. I therefore remain convinced that MINURCA should continue to support efforts to resolve the political, economic and security-related problems facing the country and, to that end, should stay in the Central African Republic until the forthcoming presidential elections. Indeed, MINURCA should assist the Government in preparing and establishing a secure environment for the elections and should monitor and verify their conduct. Only thus can the international community complete the work to which the United Nations and donor countries have committed so much effort since last April.

19. To that end, the military component of MINURCA should be retained at its current strength, on the basis of the considerations outlined in my previous report (para. 50). While the security situation in Bangui is generally calm at the moment, the current stability is in large part the result of the presence and activities of MINURCA. The reduction of the force would send the wrong signal and would risk undermining the stability the United Nations has worked hard to restore.

20. The Government's commitment to carry out a number of necessary reforms is an indispensable condition for further progress. I welcome the above-mentioned letter addressed to me by President Patassé (see annex), which responds to most of the points made to him by my Personal Envoy during his recent visit. It is now imperative that the President's commitments be translated into concrete measures.

21. In order to facilitate a continuing close review of the situation, the Security Council may wish to decide on an initial extension of the MINURCA mandate for a period of six months, until 31 August 1999, subject to a further determination by the Security Council after three months that the Government has made acceptable progress in carrying out the reforms outlined in President Patassé's letter. During that period, in order to assist the Council in assessing adherence to the commitments made by the Government, I would propose to submit an initial report by 15 April 1999, followed by further reports, every six to eight weeks, or when required, thereafter analysing the effectiveness and timeliness of any steps that had been taken. I would also keep the Council fully informed, as necessary, of any other significant developments affecting the security and stability of the Central African Republic and the safety of the MINURCA mission.

Annex

[Original: French]

Letter dated 23 January 1999 from the President of the Central African Republic addressed to the Secretary-General

As we begin the new year, I should like to convey to you the renewed expression of my brotherly wishes for your health and for the success of the noble mission that you are carrying out with such distinction at the United Nations.

Allow me to express my deepest gratitude and that of the entire Central African people for the valuable assistance that the United Nations has provided to the Central African Republic, particularly since the adoption of Security Council resolution 1159 (1998) of 27 March 1998, in which the Council authorized the deployment of the United Nations Mission in the Central African Republic (MINURCA).

Taking up where the Inter-African Mission to Monitor the Implementation of the Bangui Agreements (MISAB) left off, MINURCA has made an outstanding contribution to the consolidation of peace and security in Bangui after a long period of unrest and insecurity. The Central African people would also like to thank the United Nations and MINURCA for their effective support for the electoral process and the holding of legislative elections in November and December 1998.

I am pleased to note that significant progress has been made since my letter of 8 January 1998.

This being said, further efforts are required to achieve a lasting peace and true national reconciliation, complete the first stage of financial consolidation and improve the living conditions of the population.

In order that these efforts may be successfully carried out I am requesting the Security Council to renew the mandate of MINURCA until the presidential election, which is scheduled to be held before the end of this year, within the time-frame prescribed in the Constitution. I personally pledge to take concrete steps to ensure that the remaining provisions of the Bangui Agreements are implemented as quickly as possible.

At the institutional level, I intend to ensure that the system of constitutional law is strictly respected and that the State machinery functions smoothly. I am therefore determined to promote a dialogue between the various political groups in the country. With the help of your Special Representative, I shall endeavour to identify solutions that are acceptable to all, in a spirit of cooperation and national reconciliation which is now needed more than ever.

I am convinced that the process of national reconciliation and democratization cannot be pursued until the State regains firm control over public finances, economic activity is revitalized and there is a resumption of

investment. The Government will concentrate on collecting revenue, especially customs revenue, which is a prerequisite for the regular payment of salaries and the repayment of a significant share of the country's arrears by the first quarter of 1999. The anticipated outcome should send a strong message to the international community and enable it to continue providing assistance.

The new Prime Minister, Mr. Anicet Georges Dologuele, formerly the Minister of Finance and the Budget and the key participant in the agreement signed with the Bretton Woods institutions, has just formed a Government of Action to Promote Democracy (GAPD).

This new Government will concentrate on implementing vigorous measures aimed at increasing State income so that the State can honour its obligations, both internal (payment of salaries, pensions and scholarships and provision of basic social services) and external (particularly to the Bretton Woods institutions) within a context of transparent management of the civil service and State enterprises.

On my instructions, the previous Government had started taking steps to consolidate and restructure the financial regimes, privatize State enterprises in the energy, telecommunications and banking sectors and monitor and rehabilitate facilities for the exploitation of natural resources.

This effort succeeded in creating a climate conducive to a resumption of negotiations with international financial institutions and the signing on 22 July 1998 of the Enhanced Structural Adjustment Facility (ESAF) Agreement. This series of measures will be supplemented by others aimed at building the State's administrative capacity and bringing public spending under control.

The new Prime Minister will ensure that the government programme he is about to submit to the National Assembly clearly indicates the methodology that will guide efforts to combat corruption and misappropriation of public funds. He will take particular care to ensure that the ESAF programme concluded with the International Monetary Fund is properly implemented on time. In this he will be assisted by two assistant ministers, who are appointed chiefly on the basis of their competence and their familiarity with the economic reform package.

In addition, the new Minister of Employment, the Civil Service and Vocational Training is responsible for reforming the civil service and ensuring that it has only as many staff as are actually needed by the Administration. This will result in more effective control over staff costs, which constitute the single biggest share of public expenditure.

The Government has begun the necessary negotiations for the privatization of State enterprises, with support from the World Bank; the Banque Internationale Centrafricaine (BICA) has already been successfully privatized.

In the oil sector, bids from corporations interested in purchasing the national oil company, PETROCA, have not yet resulted in a final outcome. I shall endeavour to have an agreement concluded before the end of March 1999.

The new Government will take this matter up immediately and will also deal with the privatization of the electric company, ENERCA, the telecommunications company, SOCATEL, and the Union Bancaire en Afrique Centrale (UBAC) with a view to finding areas of agreement with the purchasers, most of whom were identified in the first quarter of this year. The new Government will also liquidate the 15 State enterprises specified in the 1998 Public Finances Act.

I have also asked the Government to initiate, by 15 February, a national consultation process among all the parties involved in the cotton sector, with a view to promoting this principal export crop.

In the area of public finances, there has been a marked increase in our tax revenue, as recognized by the World Bank.

I have requested the Government to step up measures to increase customs revenue, which has not matched our expectations. I am encouraged by the improvement in the financial situation in 1998 as compared with the situation two years ago, and I shall give the Government the necessary instructions to ensure that it continues its efforts in that connection, while at the same time adhering to the timetable laid down in the Enhanced Structural Adjustment Facility Agreement.

This set of measures will be reinforced by the forthcoming General Meeting on the Economy and Finance.

With respect to the restructuring of the Defence and Security Forces, I have entrusted an ad hoc committee with preparing an overall plan for developing a multi-ethnic, republican army capable of contributing to the national development endeavour, while taking account of the country's budgetary capacity. This committee prepared a report that, among other things, contemplates:

- Restricting the Special Force for the Defence of Republican Institutions (FORSDIR) to the mandate entrusted to it by decree, namely, protecting the republican institutions and high-level authorities of the State;

- Procuring the necessary means for carrying out the respective tasks of the Defence and Security Forces, particularly as regards training, equipment and rehabilitation of infrastructure;

- Redeploying restructured units within the country.

This set of measures is to be accompanied by a policy of constructing military barracks, which are required in order to maintain a military esprit de corps and discipline.

The Committee's report is currently being used as a basis for draft legislation and decrees that are under preparation, with the assistance of the Joint Government/MINURCA Committee, set up for that purpose at your Special Representative's suggestion.

I shall ensure that this draft legislation is given expeditious, favourable consideration by the Government and then transmitted without delay to the National Assembly, for consideration and adoption at the Assembly's regular session in March 1999. The implementation decrees will be promulgated immediately thereafter.

These are appropriate responses to the set of recommendations made by the general meeting on national defence, which are set out in the Bangui Agreements.

I shall also see to it that the implementation timetable set by the Joint Government/MINURCA Committee is adhered to.

All operations relating to policing and maintaining order will be continued and stepped up by the National Police and the Gendarmerie, with the assistance of personnel already trained in the context of the MINURCA civilian police.

This programme of assistance represents a good model for the contribution that MINURCA could make to the establishment of the new Central African army.

In that connection, may I venture to express the hope that the international community will provide assistance.

The National Programme for the Demobilization and Reintegration of the Military (PNDR), initiated with funding from the United Nations Development Programme, has reached the operational phase now that the registration process has been completed. Demobilization proper will begin as soon as the necessary funding required for the National Programme has been obtained from the international community.

I am already giving the Minister for Defence and Restructuring of the Armed Forces the necessary instructions for that purpose.

The three rebellions that took place in 1996 are still having an impact, despite two years of national endeavour supported by the international community. Notwithstanding the stability provided by MINURCA and the Central African Armed Forces (FACA), the situation in the country remains precarious. In addition to that concern, there are the conflicts that are tearing apart a number of neighbouring countries, which are likely to spread throughout the subregion.

Bearing these factors in mind, I undertake to keep my country, which has already been sorely tested by a serious domestic crisis, out of these external conflicts, since I am aware that if these conflicts spill over into the Central African Republic they will exacerbate our current difficulties.

The Central African Republic still needs the support of the international community in order to consolidate these initial results by means of support from MINURCA.

I know that I can count on your understanding, and I appeal to the distinguished members of the Security Council for their understanding as well. Maintaining MINURCA, in accordance with the wishes of all the political forces

and the people of the Central African Republic, is the best bulwark against the resurgence of internal unrest and a level of insecurity that could further destabilize a region that is already in turmoil.

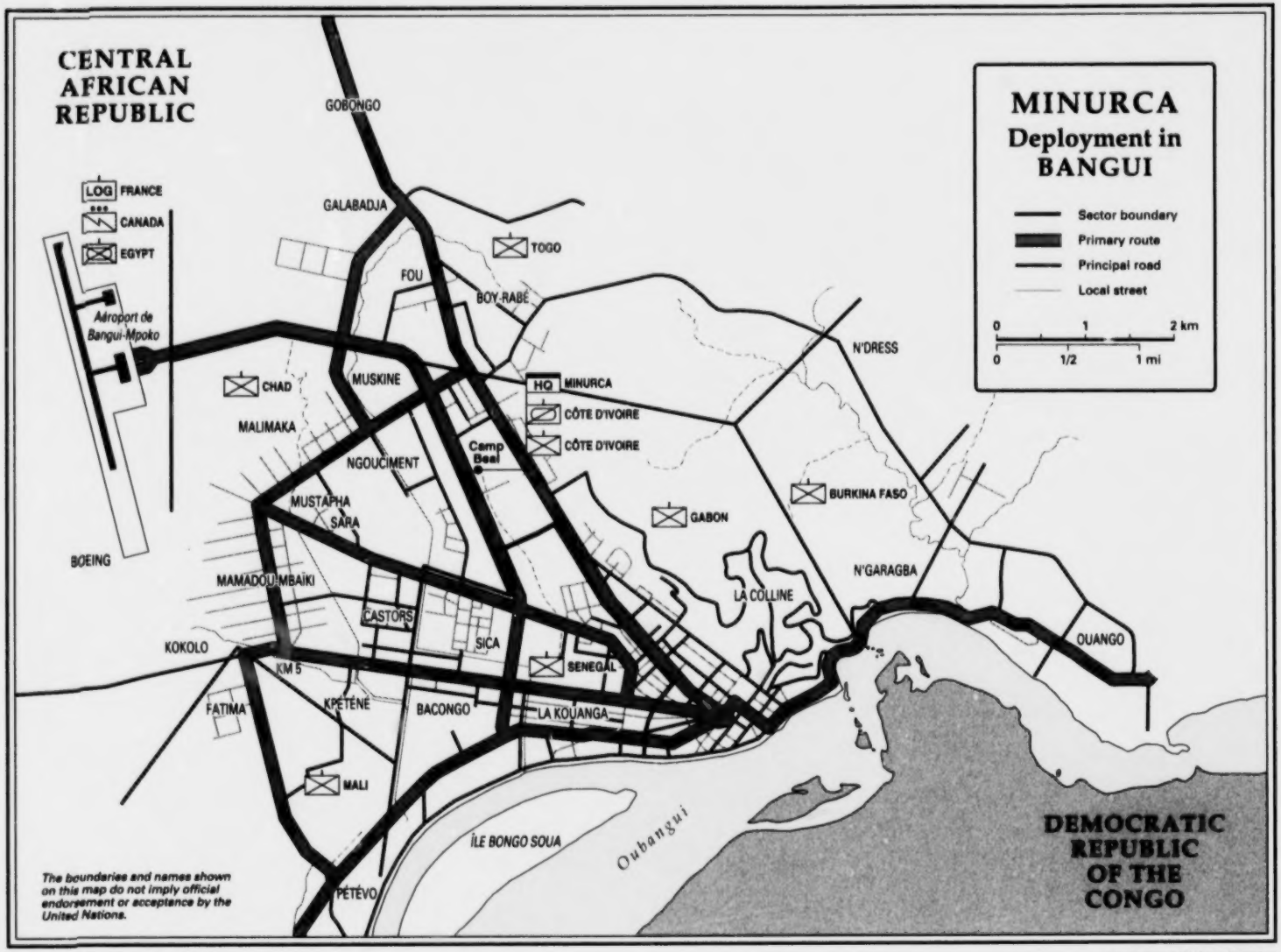
This mission is an irreplaceable instrument, both for the consolidation of national reconciliation and for the smooth operation of the institutions of the Republic.

The Central African Republic is currently endeavouring to leave behind it one of the most difficult periods in its history. I should therefore like to assure you once again that I am determined to proceed with the effective implementation of a whole range of political, structural, economic and military reforms that are required in order to consolidate peace and promote sustainable development.

I therefore once again appeal for your support in the Security Council, to convince the Council of the need to extend the mandate of MINURCA until the presidential election. To that end, and with a view to effectively applying the lessons learned from organizing and holding the recent legislative elections, I shall ensure that the process of preparing for the presidential election begins in February 1999. Assistance from MINURCA and the international community will once again be decisive in ensuring that the election can be held in the context of the necessary calm, transparency and impartiality.

I wish to reiterate to you my gratitude for your kind concern for my country.

(Signed) Ange Félix PATASSÉ



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REPORT OF THE SECRETARY-GENERAL PREPARED PURSUANT TO RESOLUTIONS 1160 (1998), 1199 (1998) AND 1203 (1998) OF THE SECURITY COUNCIL

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998 and 1203 (1998) of 24 October 1998. It covers the period since my previous report of 24 December 1998 (S/1998/1221).

II. SITUATION IN KOSOVO

2. The present report addresses humanitarian and human rights aspects of the situation in Kosovo. It is based on contributions provided by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office of the United Nations High Commissioner for Human Rights, as well as by individual Member States. Information provided by the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) and by the Secretary-General of the North Atlantic Treaty Organization (NATO) is contained in annexes I and II respectively. This information, submitted by organizations directly involved in the monitoring of the situation in Kosovo, should be read as complementing that contained in the present report.

Violence

3. The human rights situation in Kosovo has remained consistently grave for nearly 11 months. The October 1998 ceasefire did reduce the number of internally displaced persons and civilian casualties, the use of heavy weaponry, and the destruction of property and means of livelihood. However, during the reporting period, violence in Kosovo, including violations of the ceasefire, has continued, and the situation of human rights has further deteriorated, culminating with the massacre of Kosovo Albanian civilians in Racak.

4. The most disturbing new element is the spread of violence in Kosovo and the transformation of the nature of that violence. Prior to the ceasefire hostilities were limited to certain geographic locations, with fluid lines of engagement, although sniper fire did occur sporadically outside the discrete

areas of encounter. In many cases, the civilian population fled from threatened locations to areas of perceived relative safety, some to urban areas within Kosovo but many others to exposed conditions with poor access to shelter and food. Following the ceasefire, many internally displaced persons began returning to their homes, but many continue to express fear of government forces and paramilitary units in and around villages. Calculated acts of violence followed by retaliatory measures now occur frequently in cities that, until winter, had been notably exempt from violence, even during the influx of internally displaced persons into urban areas whose social resources were already overtaxed. With the exception of some isolated incidents, the resident communities of Kosovo's large multi-ethnic cities, where most of its population resides, have not turned violently upon each other. However, targeted acts of violence and growing expressions of public rage during the past month might seriously threaten peace in urban areas.

5. In December, field staff of the Office of the United Nations High Commissioner for Human Rights in the Federal Republic of Yugoslavia attempted to follow up acts of discriminate violence, interviewing victims, families and community leaders, not only in the immediate aftermath of incidents but long after them. While some violent acts were widely publicized, it would appear that most were less well known, particularly in cases in which the perpetrators, be they Serb police or Kosovo Albanian paramilitary units, still maintained positions or control in or near the area. The Office of the United Nations High Commissioner for Human Rights observed that the transformation of the nature of violence in Kosovo had reduced the geographic area of perceived safety and had resulted in a real increase in the number of persons who live in apprehension of direct experience of violence or arbitrary treatment. During this period, assailants have selectively fired directly upon urban sidewalks and cafés, as well as civilian passenger vehicles - in at least one instance, on a car clearly transporting a family group.

6. The violence and arbitrary treatment characterizing this period have surgically targeted influential individuals and localities known for open-mindedness and flexibility in community relations. The Office of the United Nations High Commissioner for Human Rights concluded with concern that a message was being transmitted throughout Kosovo, where codes based on individual reputation have for generations governed social relations within and among all regional communities, that a reputation for open-minded and flexible behaviour was no guarantee of personal safety. The responsibility for targeted killings is increasingly a matter of attribution by one side or another. Frequently, assailants have been identified simply as "masked men", and witness interviews by the Office of the United Nations High Commissioner for Human Rights have indicated that the "masked men" have exhibited signs of unfamiliarity with their immediate surroundings. Moreover, public responsibility is rarely claimed for acts of violence, further fuelling polarization and fear. Perpetrators of acts of violence, gross official misconduct and crimes against humanity committed throughout the crisis still have not been brought to justice, suggesting that such acts are committed with impunity.

7. A brief summary of casualty figures is insufficient to illustrate how the nature of violence against civilians has been transformed or to suggest how it

has fuelled an atmosphere of fear. A narrative of the time and place of major incidents better suggests how tensions have spread.

8. The abduction and murder on 16-17 December of the deputy mayor of Kosovo Polje, noted in my last report, sparked several days of public protests from the Serb community. On 22 December, armed assailants attacked a café in Kosovska Mitrovica, killing one Kosovo Albanian immediately, while another, who was reportedly a member of the newly created municipal government's local security force, died later of his wounds. On 27 December, Kosovo Albanian paramilitary units claimed responsibility for the 26 December killing of an elderly Serb from the village of Obranza, shot on the doorstep of his home. On 27 December, three Roma were found dead in Kosovska Mitrovica. On 29 December, the bodies of five Kosovo Albanians were found, left alongside roads or bridges, in three municipalities, two in Prizren, two in Kosovska Mitrovica and one on the Pec-Decani road. On 30 December, a Kosovo Albanian was killed near the village of Dremnjak. On 31 December, a Serb janitor in the Urosevac agricultural school was found dead on the outskirts of the town.

9. On 2 January, the bodies of several Serbs were demonstrably left in the Roma neighbourhood of Kosovska Mitrovica. The same day, unknown assailants killed a Kosovo Albanian in front of his house in Stimlje. During the night of 4-5 January, two Kosovo Albanians were killed at a gasoline station in Vitina, south-west of Gnjilane, a region of comparatively little violence. On 5 January, a grenade exploded outside a Serbian café in Pristina, followed by shooting in Pristina, as well as vandalism directed at cafés frequented by Pristina's Albanian community. The 6 January killing outside Pristina of a Serb electric company employee from Kosovo Polje sparked angry armed demonstrations by Serb civilians, who effectively sealed all roads in and out of Pristina on 7 January. On 9 January, one Kosovo Albanian was killed and another wounded by unknown attackers who opened fire on them from a car.

10. On 11 January, the director of the Kosovo Information Centre, Enver Maloku, was killed by unknown assailants while getting out of his car in a Pristina suburb. On the same day, a Kosovo Albanian man was shot and killed in a car near Pec. On 13 January, one Kosovo Albanian man was shot and killed in front of his house in Kosovska Mitrovica by unknown assailants and another was reported to have been killed in Urosevac. Also on 13 January, the mutilated body of a local forest caretaker, a Serb, was discovered at the same spot on a highway outside Pristina where the dead body of Kosovo Polje's deputy mayor had been left less than one month before.

The Racak massacre

11. During the period from 15 to 18 January, fighting occurred in and around the village of Racak, near Stimlje. On 15 January, the Serb police and, as indicated in some reports, paramilitary units entered Racak. On 16 January, the Kosovo Verification Mission reported that the bodies of 45 Kosovo civilians, including 3 women, at least 1 child and several elderly men, were found, 11 in houses, 23 on a rise behind the village and others in various locations in the immediate vicinity of the village. Many of the dead appeared to have been summarily executed, shot at close range in the head and neck. The Council is aware of the developments in the aftermath of the Racak massacre that prompted

the presidential statement of 19 January 1999 (S/PRST/1999/2). Detailed information on this incident was contained in the special report by the Kosovo Verification Mission attached to my letter of 17 January 1999 addressed to the President of the Security Council and in the report of the Kosovo Verification Mission attached to my letter of 20 January 1999 addressed to the President of the Security Council.

12. The Special Rapporteur on human rights in the territory of the former Yugoslavia, in a statement issued on 16 January from Prague, and the United Nations High Commissioner for Human Rights, in a letter of 19 January to President Milosevic, condemned the massacre and called for an immediate investigation of the Racak deaths. However, investigative and forensic efforts in the wake of this massacre have been wilfully obstructed by the lack of cooperation by the authorities of the Federal Republic of Yugoslavia with the international community. In an attempt to enter the Federal Republic of Yugoslavia to investigate the Racak deaths, the Chief Prosecutor of the International Tribunal for the Former Yugoslavia, Louise Arbour, was turned back, without a visa, at the border of the Federal Republic of Yugoslavia on 18 January 1999; the Government of the Federal Republic of Yugoslavia continues to assert that the International Tribunal for the Former Yugoslavia does not have jurisdiction to investigate alleged war crimes in Kosovo. In order to resolve this problem, the Chief Prosecutor proposed to the authorities of the Federal Republic of Yugoslavia that she would publicly state that her access to Kosovo would not prejudice the position of the Federal Republic of Yugoslavia on jurisdiction, nor would she use the access as evidence that the Federal Republic of Yugoslavia has voluntarily submitted to the jurisdiction of the Tribunal. The authorities, however, continued to deny the Chief Prosecutor's entry to Kosovo.

13. Meanwhile, on 18 January, the bodies of the victims were moved from the site to Pristina, where autopsies were performed in the presence of monitors of the Kosovo Verification Mission. The authorities of the Federal Republic of Yugoslavia, however, failed to respond to the appeal of the head of a Finnish forensic team to postpone examinations until the arrival of Finnish experts. The forensic team arrived in Pristina on 21 January. By that time, 16 autopsies had been carried out without the Finnish experts being present. The Finnish team, together with Serb and other foreign experts, performed autopsies on the remaining bodies and examined the autopsies performed earlier.

Abductions and taking of hostages

14. During this period, no new information emerged or was volunteered on the whereabouts or fate of persons abducted or reported missing. On 26 December, after the Head of the Kosovo Verification Mission, William Walker, met with the families of persons abducted from Orahovac, the Mission announced that it had opened a special office to investigate reports of abductions. The office, staffed in shifts by two international verifiers, takes testimony on reported abductions.

15. From 24 December to 2 January, during fighting around Podujevo, it was reported that 11 Serbs and Kosovo Albanians were captured by Kosovo Albanian

paramilitaries and released with the intervention of the Kosovo Verification Mission and the Kosovo Diplomatic Observer Mission.

16. On 8 January, as the OSCE Chairman-in-Office, Knut Vollebaek, began his visit to Albania and the Federal Republic of Yugoslavia, Kosovo Albanian paramilitary units attacked a Yugoslav Army convoy north-east of Kosovska Mitrovica, capturing eight army personnel, including several conscripts. This action led to the largest build-up of infantry, armour and artillery since the deployment of the Kosovo Verification Mission. Representatives of the Verification Mission initiated negotiations for the captives' release, which continued intensively throughout the Chairman's visit, and, on 13 January, the eight were released. The release did not, however, lead to a reduction of forces of the Federal Republic of Yugoslavia deployed throughout the area. Yugoslav Deputy Prime Minister Sainovic and all Serbian government officials emphasized that the release of the army personnel had been absolutely unconditional. On 14 January, a communiqué issued by Kosovo Albanian paramilitary units asserted that the eight had been released as part of an exchange for nine "prisoners".

Detention and trials

17. Reports of arbitrary detention and systematic ill-treatment of persons in police detention and under the jurisdiction of the Ministry of Justice continue. Measures that would build confidence among communities are not forthcoming. Of particular importance would be implementation of points 10 and 11 of the 13 October accord between President Slobodan Milosevic and United States Special Envoy Richard Holbrooke, release of information as to the whereabouts of those reported abducted and missing, and full cooperation by all parties with the International Committee of the Red Cross regarding persons held in detention.

18. Court proceedings on criminal charges of alleged terrorist and anti-State activity, as well as conspiracy to aid and abet such activity, continue to be held regularly in all district courts in Kosovo. Related proceedings have also begun in the military courts of Belgrade and Nis. The Office of the United Nations High Commissioner for Human Rights continues to monitor proceedings directly and to obtain court records of proceedings it cannot physically attend. The efforts of the Office to illuminate the legal and procedural issues raised by the proceedings have expanded informal working exchanges between and among court officials, prosecutors, defence attorneys, defendants and national and international organizations interested in the administration of justice. As part of this process, the Office makes repeated inquiries into judicial practice in the area of detention. Its consultations have contributed to a re-evaluation of detention decisions in cases throughout Serbia and, in some proceedings in Kosovo, to critical evaluation of evidence previously used to bring criminal charges or to justify continued detention. A small but growing body of precedent is being established as courts have released from detention, or dropped charges against, roughly 40 persons who were the specific subject of inquiry by the Office of the United Nations High Commissioner for Human Rights. However, hundreds of Kosovo Albanians remain in detention and the wave of violence described in this and my previous report has led to sweep arrests, police detentions, or "informative talks" in the search for perpetrators. As of 18 January, the Serbian Ministry of Justice had not responded to the Office on

approximately 50 inquiries pending since late November. At the political level, no policy on implementation of points 10 and 11 has been enunciated, although existing federal and Serbian laws and procedures already include means for implementing, inter alia, federal and republic-level executive amnesty, termination of proceedings, suspension of charges, mitigation of sentences and release from detention.

19. Several proceedings involving especially large groups of defendants or incidents and operations of an especially sensitive nature were scheduled during the traditional December and January holidays. In monitoring many trials, the Office of the United Nations High Commissioner for Human Rights has observed violations of domestic judicial procedure in the treatment of selected groups of Kosovo Albanians. Courtroom observation also indicates obvious differences in the physical condition and demeanour of prisoners held in Lipljan and Gnjilane prisons, both under the jurisdiction of the Pristina district prison administration, from those held in the jurisdiction of the Prizren district prison administration. Reports of ill-treatment at Lipljan are received regularly, and two prisoners have already died in custody in Gnjilane. During this period, the Office repeatedly observed the transport of Lipljan prisoners in the 40-member Kosovo Albanian "Orahovac group" by heavily armed special police, who, holding automatic weapons, were permitted by the presiding judge to remain in the courtroom, at a ratio of one policeman to one defendant, instead of regular court guards. Such prisoners were chained on arrival in the courtroom, remained in a submissive head-down position throughout the proceeding, looked to individual police guards before answering even cursory questions put to them by the court and were rechained on removal from the courtroom. In contrast, imprisoned Kosovo Albanians kept in the Prizren prison jurisdiction were transported in handcuffs by prison guards who carried light arms and handguns; prisoners did not appear ill or malnourished, and they looked attorneys, judges and even family members in the eye during court proceedings.

20. The Office of the United Nations High Commissioner for Human Rights monitored several trials during this period that included the conviction and sentencing of persons in absentia. As a general rule, persons convicted in absentia received higher sentences than those present for trial.

21. The Office of the United Nations High Commissioner for Human Rights monitored trials in which several Kosovo Albanian defendants, in open court testimony, indicated that their statements during police detention and after arraignment before an investigative judge were made under ill-treatment or torture. Of the 26-member "Urosevac group" arrested in June 1998 and brought before the Pristina district court in late December and mid-January, two defendants had died while in police custody, and all nine standing trial (the others were in absentia) claimed that they had been tortured and still had visible traces of injuries inflicted by police and State security officials, including after arraignment. Of the 15-member "Kacanik group" arrested in August 1998 and tried in Pristina in mid-December, all present (eight were in absentia) testified to having been subjected to ill-treatment ranging from beatings to electric shock. Neither the presiding judge nor the prosecutor made further inquiry into these allegations. All members of the group were convicted of sentences ranging from three to nine years, and those sentenced to less than

three years were not released pending appeal, even though such provision exists in domestic law for sentences of under five years.

Forensic investigation of mass graves

22. Following the incident at Gornje Obrinje referred to in my previous report, the Finnish forensic team discussed the matter with the Serb authorities and representatives of Kosovo Albanian paramilitary units. Both parties suggested independently that since for the moment it was dangerous to carry out investigations at Gornje Obrinje (and also Golubovac), the Finnish team should instead start work at other locations currently not under the control of Kosovo Albanian paramilitary units, investigating in the first instance sites at Glodjane and Orahovac. The team, however, did not consider it possible to continue its field work at any other locations and therefore decided to leave Pristina on 20 December for a Christmas break. Under the prevailing circumstances, it remains uncertain whether in the foreseeable future there will be any prospect of making another attempt at Gornje Obrinje.

23. The difficulties experienced by the Finnish forensic team in performing their task were discussed at a meeting with the European Union Heads of Mission, and the Federal Republic of Yugoslavia Vice-Prime Minister and Head of the Government Commission for Cooperation with the Kosovo Verification Mission, Mr. Sainovic, on 29 December 1998 in Belgrade. Mr. Sainovic indicated his Government's readiness to discuss the problems, but only once the Finnish team was back in the Federal Republic of Yugoslavia.

Coordination with the Kosovo Verification Mission

24. Since the arrival of the Technical Assessment Team and throughout the build-up of the Kosovo Verification Mission, the Office of the United Nations High Commissioner for Human Rights has briefed representatives of OSCE and the Kosovo Verification Mission on the situation of human rights and has provided regular introductions to human rights issues to Verification Mission inductees. In December, the Office of the United Nations High Commissioner for Human Rights provided the services of a consultant on mission to the Kosovo Verification Mission, who advised the Mission on plans for sustained human rights training of its verifiers. UNHCR and the Office of the United Nations High Commissioner for Human Rights also met with the OSCE Chairman-in-Office and the OSCE secretariat delegation during its mission to the Federal Republic of Yugoslavia.

Humanitarian situation

25. Since late December, more than 20,000 people have fled from some 23 villages in the four municipalities of Decane, Podujevo, Stimlje and Suva Reka. The four days of fighting in late December at Podujevo led to the flight from the suburbs and surrounding villages of an estimated 5,000 people. As little damage was done to buildings, return to the villages started as soon as a ceasefire was brokered. However, following the capture of eight Yugoslav soldiers, tension rose again, leading to new displacement. From a total of 11 villages in the Podujevo-Mitrovica area some 15,000 inhabitants fled, of whom over 5,000 people later returned.

26. In the second week of January, clashes in the Decane municipality prompted some 4,000 people to flee from five villages. UNHCR estimates that over 500 of these have now returned to two of the villages. As a result of serious fighting in Stimlje/Suva Reka and following the massacre in Racak on 15 January, 6,400 Kosovo Albanian civilians fled from six villages.

27. Meanwhile, from some 90 villages, principally in central and western Kosovo, all Serbian inhabitants have left, estimated to total some 1,500 people.

28. Where peace has held, there have been continuing returns, usually slow and gradual. For example, in Malisevo more than half of the 3,000 who left in July have come back, returns are continuing and some normalcy is being established. At Lodja near Pec, work stopped on the school that is to serve as a home for some families while they repair their houses following the murders in the Pec café, but is now expected to start again. Representatives of 20 families from Opertusa, a village in Suva Reka, have asked UNHCR for assistance to return home. At Junik, a village from which 10,000 fled in August, there have been 1,500 returns; however, some trouble between the villagers and the police last week prompted about 200 to flee the village again. Returns to Junik appear to be from Albania and Djakovica and, despite the recent incident, appear to be continuing.

29. At the start of 1999, UNHCR estimated that some 180,000 civilians remained displaced within Kosovo, the vast majority of whom are Kosovo Albanians, including some 5,000 displaced in the last days of 1998. Some 110,000 were thought to have returned to their villages, if not their homes, in the last quarter of 1998. The great majority of these returns were from displacement within Kosovo, but included were some 12,000 returnees from Montenegro. No other significant returns were reported from outside Kosovo.

30. With regard to those still displaced or refugees outside Kosovo as a result of the conflict, at least 20,000 from Kosovo are thought to have moved to other parts of Serbia, and there are indications that the figure may be higher. Some 25,000 displaced persons are in Montenegro. Numbers in neighbouring countries are estimated as follows: Albania, 22,000 (of whom only some 500 remain in the Tropoje district); Bosnia and Herzegovina, 10,000; and the former Yugoslav Republic of Macedonia, 3,000. It is estimated that some 93,890 persons from the Federal Republic of Yugoslavia sought asylum in other countries in Europe in 1998, of whom 85 to 90 per cent are Kosovo Albanians.

31. In the first three weeks of 1999, some 20,000 persons are thought to have fled their homes for reasons of insecurity. Of these and those displaced at the end of 1998, some 7,000 have already been able to return, and a further 3,000 have returned to areas not affected by recent conflict. As at 20 January, UNHCR therefore estimated that some 190,000 remained displaced within Kosovo.

III. OBSERVATIONS

32. I am shocked and dismayed by reports of the atrocities committed in Racak on 15 January and urge the Yugoslav authorities to launch an urgent investigation of this crime with the participation of international experts. Sadly, the massacre and events surrounding it appear indicative of the pattern of disproportionate use of force by the authorities of the Federal Republic of Yugoslavia in retaliation for provocations by Kosovo Albanian paramilitaries. It is imperative that the perpetrators be brought to justice in order to deter further violence and to give peace in Kosovo a chance. Any appearance of impunity for the perpetrators could become a real obstacle to the process of finding a peaceful solution to the conflict through negotiation. In this regard, I urge that unconditional respect be given to the authority of the International Tribunal for the Former Yugoslavia throughout all of the territory of the former Yugoslavia.

33. The violence since 24 December, and in particular the massacre at Racak on 15 January and subsequent events, has been a major setback for the humanitarian operation, just when the deployment of the Kosovo Verification Mission was beginning to help create and consolidate conditions for return of the internally displaced, even to the most difficult areas such as Malisevo. Civilians have once again had to flee for their lives; many have had to spend bitter nights in the open. Continued violence would undermine what has been achieved by the humanitarian operation to date.

34. Fear of fighting between the security forces and Kosovo Albanian paramilitary units and continued violence against civilians are the overriding obstacle to return and to the sustainability of those returns that have taken place. The humanitarian operation has demonstrated its capacity to deliver large-scale assistance, but without an end to violence and the establishment of a climate of security this will not suffice. I am deeply concerned about the risk of a return to the situation that existed in Kosovo before October 1998, and I urge those in positions of public authority to put an end to the spiral of violence and to seek the path of constructive dialogue.

35. I am increasingly concerned that the spread of violence and the nature of the attacks could lead to a situation of all-out civil war in Kosovo, which might have unpredictable repercussions for the entire region. Violence, from whatever quarter, can only lead to further suffering for the civilian population in Kosovo, which has been the main target and victim of the conflict. Full and unconditional acceptance of peaceful negotiations is the only way to resolve the crisis in Kosovo. I therefore once again urge the parties to engage in negotiations on a peaceful settlement in Kosovo without further delay and without preconditions, as demanded by the international community and, in particular, by the Security Council in its resolutions 1160 (1998), 1199 (1998) and 1203 (1998).

36. I support the efforts of OSCE and of the Head of the Kosovo Verification Mission, Mr. Walker, to facilitate such a settlement and call upon the Yugoslav authorities to honour their obligations under the 16 October agreement and to cooperate fully with Mr. Walker and the Kosovo Verification Mission. I also call upon the authorities of the Federal Republic of Yugoslavia to honour their

obligation to cooperate fully with the Prosecutor of the International Tribunal for the Former Yugoslavia as requested in Security Council resolutions 1160 (1998), 1199 (1998) and 1203 (1998).

37. I expect that the OSCE Chairman-in-Office, in consultation with the Head of the Kosovo Verification Mission, will henceforth be in a position to provide the Council with regular information on the political aspects of the situation in Kosovo.

Annex I

Information on the situation in Kosovo and measures taken by the Organization for Security and Cooperation in Europe, submitted pursuant to paragraph 13 of Security Council resolution 1160 (1998)

(December 1998-January 1999)

General situation

The tempo and intensity of conflict in Kosovo has increased during the reporting period since 20th December 1998. An emergent cycle of confrontation can be generally described, in no set order, as relatively small-scale Kosovo Liberation Army (KLA) attacks on the MUP (Serb police), generally on police vehicles, buildings and individuals; a disproportionate response by the FRY authorities, often in the form of large cordon and search operations by the MUP, supported by the VJ (Yugoslav Army) and occasionally including the use of heavy weapons; resultant population movement and political polarisation of the victims of violence, whatever their ethnic origin; and renewed KLA activity elsewhere. The battle to dominate main roads often provides the catalyst for conflict. While a single day's incidents dominated the last report (the border incident in which 36 members of the KLA were killed and the subsequent murder of six Serbian youths in Pec), this reporting period has seen several serious violations of United Nations Security Council Resolutions (UNSCRs). The principal areas in which the incidents have occurred are the Podujevo region in northern Kosovo; the Decani area in western Kosovo; and the Stimlje area in central southern Kosovo.

During the period 24-27 December a serious breach of the ceasefire occurred when FRY security forces deployed from Pristina to an airfield base south of Podujevo, North of Pristina. Kosovo Verification Mission (KVM) patrols had previously reported that KLA forces were improving positions overlooking the strategically important Belgrade - Pristina road. Ostensibly on a military training exercise, the VJ forces began fighting with the KLA. The resultant three days of skirmishing led to the displacement of approximately 5000 civilians from surrounding villages Both civilian communities were affected. A KVM-brokered ceasefire ended the fighting in an early indication of the potentially beneficial impact of KVM mediation. The area encompassing the towns of Podujevo and Mitrovica was a focus of renewed tension later in the reporting period when eight disorientated VJ soldiers were captured by the KLA in the area of Bare, North-East of Mitrovica. The VJ, in reaction, deployed the largest force witnessed since the deployment of the KVM. Fighting was limited and the VJ was generally acknowledged to have shown restraint The KVM played a central role in securing the release of the eight soldiers on 13 January and won plaudits. The release did not trigger a reduction in the size of the VJ force in the area. The number of KLA personnel in the area remains high.

A MUP (Serb police) operation was launched in the west of the Province in the district of Decani on 8 January. Police forces engaged with the KLA in Gornji Ratis. An initially company-sized group (100) was reinforced to become a battalion-sized operation (500). Additional support was provided by VJ tanks and armoured vehicles. During the process of trying to sustain a ceasefire, the KVM sustained their first casualties, one UK national and one Serbian national working as an interpreter. Neither injury was life-threatening. There was a brief respite before the fighting resumed.

Stimlje was the third area of major concern and the region in which the most substantial cases of non-compliance occurred. A KLA ambush on a police convoy in the area left three dead, a second attack killed another policeman. The VJ reinforced their positions on the nearby Dulje heights that overlook the Pristina to Prizren road and police clearance operations began. The

villages of Belince, Petrova, Malopoljce and Racak were the most affected. On 16th January, FRY security forces entered the village of Racak, west of Stimlje. On 17th January KVM patrols and other diplomatic observers gained access to the village. They discovered the bodies of 45 Albanian civilians. A woman and young boy were amongst the victims. In a press conference following the discovery the Head of Mission of the KVM, Ambassador Walker, described the killings as a "massacre" and an "unspeakable atrocity" and held FRY security forces responsible. On the 18th January, contrary to arrangements agreed between the OSCE Chairman-in-Office and the FRY Foreign Minister Jovanovic, armed police again entered the village and fighting with the KLA resumed.

A characteristic of the early part of the reporting period was the number of Serb civilian protests. They were initially designed to raise the profile of missing Serbs with international organisations as their target audience. The abduction and murder of the Deputy Mayor of Kosovo Polje led to a hardening of attitudes amongst the Serb community. They formed the Serbian Resistance Movement, led by Mamcilo Trajkovic and buoyed by the support of the Orthodox Church. They demanded more protection from the Belgrade authorities. Calls for the Serbian President Milutinovic or FRY President Milosevic to come to Kosovo proved fruitless. A second Serb murdered in the same area led to significant civil unrest and the blocking of roads into Pristina. Although operations by international organisations was severely affected, the crowd's demands were largely addressed to the Belgrade authorities rather than to any external audience.

The situation of the civilian population

UNHCR estimates that there are currently about 180,000 civilians displaced within Kosovo. 5,000 of these were estimated to be a result of fighting 24-27 December in the area of Podujevo, North of Pristina. 400 IDPs have returned to the villages of Gornji Lapastica and Obrandca within the Podujevo area; UNHCR stated that few had returned to other villages in the region, such as Velika Reka or Donji Lapastica, because of security concerns. On 10 January a KVM team found the nearby village of Perane, normally of some 1,000 inhabitants, empty save for a few men collecting possessions.

Lack of electricity in many villages in Kosovo remains a difficulty and has led, in some instances, to KVM involvement with electricity authorities to facilitate re-connection. In some areas villagers were reluctant to cut wood as an alternative without KVM presence.

Human Rights verifiers in Pec received a number of unsubstantiated reports of maltreatment of the inmates of Dubrava prison, near Istok, North-East of Pec. No international organisation has yet gained access to the premises but it is anticipated that ICRC will shortly do so.

In the last week of 1998 UNHCR delivered humanitarian aid to 14 locations in Kosovo with convoys totalling 78 trucks. 31 trucks carried items supplied by UNHCR; 15 carried food provided by WFP; and five different NGOs supplied the remaining loads. In early 1999 UNHCR continues to lead convoys delivering aid to Orahovac, Glogovac, Urosevac, Prizren, Pec and Klina municipalities. Agencies providing supplies for these deliveries include UNHCR, WFP, Doctors of the World, Mercy Corps International and Children's Aid Direct.

KVM established a permanent presence in Malisevo on 6 January, and reported that some 500 inhabitants have returned. Local Kosovar Albanians estimated the figure at 800. This figure rapidly increased - NGO estimates suggested 1,500 people had returned by mid January. The

police were co-operative and carried out foot patrols in the town. Returnees said they were encouraged by assurances given by Mrs Ogata during her 21 December visit. UNHCR arranged for the delivery of relief aid and shelter repair kits for returnees and liaised with local authorities to open the town's school and hospital and to restore the electricity supply. Inhabitants requested assistance in cleaning polluted wells. UNICEF reported that the campaign to vaccinate children in the town was complete despite difficulties in retrieving information records.

KVM Pristina visited villages in the Stimlje area, 30 kms South-West of Pristina, on 13 January. Verifiers found 50 people in Belince, 350 in Racak and 680 in Malpoljce. 500-600 of these were seen on the road between Stimlje and Urosevac moving South-East after the Racak executions and subsequent MUP operations in the area.

Refugee Movement

The OSCE Presence in Albania has reported that there has been little refugee movement across the border between Albania and the Federal Republic of Yugoslavia during this reporting period.

The movement of refugees into the north-east of Albania, especially the Has District, increased slightly at the beginning of January, although at this stage the numbers are low. However, the deterioration of the security situation in Kosovo during this reporting period may increase this number.

The refugee situation remained generally settled, although some internal movement within Albania took place. Shortage of food supplies continued to be a key problem for those who did not move from Bajram Curri in the north-east of the country under the United Nations High Commissioner for Refugees (UNHCR) relocation programme.

The Albanian Government Office for Refugees started the re-registration process of refugees from Kosovo following the great difficulties experienced in keeping track of the number of refugees in the country. The process is proceeding very slowly due to organisational and technical problems but is officially due to finish in mid-February.

Kosovo conflict spillover potential

The OSCE Presence in Albania, the OSCE Spillover Monitor Mission to Skopje and the OSCE Missions to Bosnia and Herzegovina and to Croatia continued to follow closely the Kosovo conflict spillover potential.

On the border between Albania and Kosovo (FRY) the reporting period can be characterised as fairly calm although intermittent incidents and a number of clashes occurred close to the border. Yugoslav forces remained on high alert and continued to patrol the border regularly. Movements and observation were hampered by inclement weather and extremely low night temperatures. The Albanian-Montenegrin border crossing point at Hani i Hotit re-opened after being closed to all traffic for two weeks. The KLA maintained a low profile within Albania, although fighters operating in the north-east were observed in cross-border actions. The presence of some KLA in north-east Albania continues, with a number of fighters seen purchasing and transporting food supplies.

In an incident on 31 December, two KLA patrols numbering 15 men, observed north of Kamenica moving towards FRY, opened fire against the FRY border post of Morina. This was followed by mortar fire from FRY into Albanian territory in the direction of Kamenica.

Border incursions by FRY forces have increased over the past two weeks including FRY aerial reconnaissance within Albanian airspace observed and cross-border firing with automatic weapons and mortars. Albanian officials protested at what they saw as a series of border violations by the FRY forces.

On the political side, an unforeseen meeting between Albanian Prime Minister Majko and Opposition and Democratic Party leader Berisha, the first encounter of this nature since the elections of 1997, produced, inter alia, a preliminary agreement on the need for a unified Albanian position on the Kosovo conflict. The agreement to define a common, all-party position on the Kosovo issue is intended to lead, not only to increased co-operation between parties, but to international efforts to arrive at a durable, peaceful solution. Basic principles would include the inviolability of the international borders and the need for self government, expressed through a common platform of all Albanian parties.

This paved the way for meetings of Albanian party leaders across the spectrum with Kosovo Albanian leaders with a view to fostering a unified stand in line with international settlement strategies. In this context, the KLA political leader Demaci held talks with the Albanian President, Prime Minister and Foreign Minister in the first week of January.

The Albanian Parliament issued on 28 December a resolution calling on the international community for increased international commitment to find a solution to the Kosovo crisis.

The OSCE Spillover Monitor Mission to Skopje has reported that the situation along the Macedonian border with FRY has remained stable and calm. There has been no unusual traffic and border crossings have remained open. Nor has there been any discernible change in the pattern of deployment or activity of the Macedonian security forces. On the political scene, there has been little visible reaction to the deteriorating situation in Kosovo, no official comment from the Government, nor from any of the political parties apart from the leadership of the two principle ethnic Albanian parties. The Democratic Party of Albanians wrote an open letter to the NATO Secretary General calling for NATO military intervention in Kosovo.

Measures taken by the Organization for Security and Co-operation in Europe

The build up of the Kosovo Verification Mission continued during the period covered by the report. On 12 January the fifth, and last, Regional Centre was opened by the Chairman-in-Office (CiO) in Pristina, the other four being located in Prizren, Pec, Kosovska Mitrovica and Pristina. As of 18 January the Mission's strength stands at 1826 including 960 local staff. The absorption of the Kosovo Diplomatic Observation Mission is complete.

The Chairman-in-Office, the Norwegian Foreign Minister Knut Vollebæk visited the Federal Republic of Yugoslavia from 10 to 12 January. In Belgrade the CiO met with FRY President Milosevic, Foreign Minister Jovanovic as well as representatives of Opposition parties, the independent media and human rights organisations. The CiO urged the FRY authorities to show restraint in Kosovo and in particular asked for a additional time for the KVM to secure the release of the eight VJ soldiers taken hostage by the KLA. He expressed his concern over the lack

of progress in the efforts made to find a political settlement for Kosovo. While the FRY repeated its readiness to co-operate fully with the KVM there was little progress on outstanding operational issues raised by the Mission. The CiO also voiced his concern over the situation for the media and the universities in FRY. In Pristina, Mr. Vollebæk visited the Kosovo Verification Mission and accompanied KVM patrols in the field. He had meetings with the Head of the Temporary Executive Council of Kosovo, Mr. Andelkovic as well as representatives of the Kosovo Albanian and Serb communities. He urged all parties in the conflict to show restraint and to respect the cease-fire. He underlined the importance and urgency of finding a political settlement, and in that respect, urged the Kosovo Albanian leaders to form a common negotiation team. The CiO also visited Montenegro where he had talks with President Djukanovic, Prime Minister Vojanovic and Foreign Minister Perovic. It was noted that both sides where interested in enhanced co-operation and the Montenegrin leadership expressed its support for the Kosovo Verification Mission.

In his address to the Permanent Council on 14 January, the CiO recalled that the Kosovo Verification Mission is the most challenging task which the OSCE has ever taken upon itself. He noted that, beside the practical challenges, the political obstacles were considerable. The FRY authorities had not provided the Mission with the information, access and support it needed. In his meetings with FRY President Milosevic and Foreign Minister Jovanovic, the CiO had made it clear that continued failure to comply with the legitimate demands of the KVM would negatively affect the work of the Mission.

Following a Special Permanent Council meeting on 18 January, its Chairman issued a statement in which he expressed shock of the killing of ethnic Albanian civilians in Kosovo on 15 January and condemned those atrocities which the OSCE mission had determined were committed by FRY military and police against unarmed civilians. He called for a full investigation to be carried out by the FRY authorities and by the International criminal tribunal for the Former Yugoslavia in order to bring those responsible for the tragedy to full account.

The Foreign Minister of the Federal Republic of Yugoslavia (FRY), Zivadin Jovanovic, sent a letter to the Chairman-in-Office, Norwegian Foreign Minister Knut Vollebæk, on 18 January 1999 in which Ambassador William Walker of the Kosovo Verification Mission was declared persona non grata. An Emergency Meeting of the Informal Ad Hoc "Watch Group" (Kosovo-Sandjak-Voijvodina) was convened next day by the Chair in which Delegations expressed strong support for the Mission and its leadership. A Press Statement was issued after a OSCE Ministerial Troika meeting on 20 January in which the FRY decision was branded "totally unacceptable" and a measure which lead to a "further worsening" of the crisis. The Troika Ministers also condemned the recent killing of more than 40 Kosovo Albanian civilians in Racak, stating that these killings and the lack of co-operation between the FRY government and the OSCE represented a "serious instance of non-compliance".

KVM Operational Status

Personnel	
KVM HQ:	217
KVM Induction Centre instructors:	36
KVM Induction centre under training:	107
KVM Prizren:	142
KVM Mitrovica:	122
KVM Pec:	105
KVM Gnjilane:	47
KVM Pristina:	72
KVM Belgrade:	6
KVM Skopje:	4
KVM Associated (temporary) members:	8
KVM International staff (all locations):	866
KVM Local Staff (all locations):	960
Total:	1826

Vehicles			
Armoured:	91 (including 10 Ambulances)	Soft skin:	164

Annex II

Letter dated 22 January 1999 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

I am writing to bring you up to date with regard to the actions and decisions of the North Atlantic Treaty Organization (NATO) in the Kosovo crisis. As you know, the situation has deteriorated significantly in recent weeks culminating in the massacre of Kosovar Albanians in the village of Racak last Friday.

Following its meeting on 17 January to assess the situation, the North Atlantic Council called on the Yugoslav authorities to cooperate fully with the International Tribunal for the Former Yugoslavia, in accordance with United Nations resolutions, and to take immediate steps to bring those responsible for the massacre to justice. It also expressed its full support for the mission of the Organization for Security and Cooperation in Europe (OSCE) in Kosovo, as established by Security Council resolution 1203 (1998), and called on President Milosevic to comply fully with his commitments to NATO and OSCE, based on Security Council resolution 1199 (1998) and the undertakings provided to the Alliance last October on force levels and posture.

At the request of the Council, NATO's senior military authorities, the Chairman of the Military Committee, General Klaus Naumann, and the Supreme Allied Commander Europe (SACEUR), General Wesley K. Clark, visited President Milosevic personally on 19 January to underline its concern and reinforce the need for him to honour his obligations. Regrettably, until now, he has failed to do so. The North Atlantic Council is accordingly now assessing the situation and considering how best to help the international community achieve a political solution to the crisis.

The North Atlantic Council also agreed on 20 January 1999 that I would provide a report to the United Nations on compliance by the parties to the conflict. Accordingly I enclose, for your information and for distribution as you deem appropriate, an assessment of compliance trends derived from various public and official Alliance sources. The report covers significant trends and incidents over the past month, but is not intended as a complete compilation. As you will see from the report, neither side in the conflict has respected the ceasefire; and there have been a number of cases of kidnappings and attacks by Kosovar armed elements. The activities of the Yugoslav Army (VJ) and the Special Police (MUP), however, have been wholly disproportionate and excessive, particularly bearing in mind the operations conducted during the period from 10 to 16 January 1999.

I will keep you informed of any further important developments and am looking forward to an exchange of views on these and other issues with you on 28 January.

I am sending a copy of this letter to the Chairman-in-Office of the Organization for Security and Cooperation in Europe.

(Signed) Javier SOLANA

Enclosure

North Atlantic Treaty Organization compliance report for Kosovo

13 December 1998-19 January 1999

Table 1*

United Nations Security Council resolution 1199 (1998)

Resolution tenet		Related activity
1. Federal Republic of Yugoslavia and Kosovo Albanians: Cease hostilities and maintain ceasefire	13-19 Dec.:	VJ units begin deployment to Podujevo area.
		VJ kills 31 Kosovo Albanians crossing border.
		UCK, in separate incidents, kill 8 Serb civilians, 1 MUP officer.
		UCK kidnap and kill Deputy Mayor of Kosovo Polje.
	20-26 Dec.:	UCK attack MUP patrol; 2 UCK killed.
		UCK kill MUP officer in Podujevo, local security official in a café in Kosovska Mitrovica.
		VJ forces, reinforced with armour and artillery, attack villages in and around Podujevo.
	27 Dec.-2 Jan.	VJ continue shelling civilian facilities and UCK positions in and around Podujevo resulting in the deaths of at least 15 Kosovo Albanians.
		UCK kill Serb judge in Podujevo.
	3-9 Jan.:	UCK kill 3 MUP officers in ambush.
		UCK blamed for grenade attack against Serb bar, death of Serb official in Polje, Serb guard at a power plant and 6 MUP.
		UCK capture 8 VJ soldiers (later released, unharmed).
		VJ/MUP shell villages in Podujevo area; attack UCK positions.
	10-16 Jan.:	VJ tanks fire on Lapastika.
		VJ/MUP operations with artillery support in Decane area.
		VJ/MUP operations in Suva Reka and Stimlje.
		VJ heavy shelling in Racak.

Resolution tenet	Related activity
	VJ/MUP believed (including by Head of the Organization for Security and Cooperation in Europe (OSCE) Kosovo Verification Mission) to be responsible for 45 civilian deaths in Racak.
2. **Federal Republic of Yugoslavia: Take steps to improve humanitarian situation.**	On 17 December, the Government of the Federal Republic of Yugoslavia has announced but has not yet implemented plans to build humanitarian centres and new houses and to reconstruct damaged houses. Federal Republic of Yugoslavia operations around Podujevo, Suva Reka have displaced over 7,000 persons.
3. **Federal Republic of Yugoslavia and Albanian-Kosovars: Enter into dialogue, with international involvement, to end crisis.**	Nothing significant to report.
4. **Federal Republic of Yugoslavia: Cease all action by security forces affecting the civilian population and order the withdrawal of security units used for civilian repression.**	3-9 Jan.: MUP accused by civilians of firing on villages of Djakavica, Sipitula and Belince. 10-16 Jan.: MUP/VJ forces conduct counter-insurgency operations in Stimlje, Decane, Suva Reka and Racak; see entry 1 above.
5. **Federal Republic of Yugoslavia: Enable effective and continuous international monitoring, including access and complete freedom of movement.**	Throughout the reporting period, VJ and MUP forces have denied access, in selected areas, to Kosovo Diplomatic Observer Mission and OSCE personnel.
6. **Federal Republic of Yugoslavia: Facilitate with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross safe return of refugees and internally displaced persons to their homes.**	There is no overt example of cooperation by the Federal Republic of Yugoslavia with UNHCR to assist in the safe return of refugees and internally displaced persons. The most recent fighting in the Stimlje area has created a new situation with estimates of up to 6,000 internally displaced persons fleeing their homes in the Stimlje/Racak regions. Many of these people are without shelter.
7. **Federal Republic of Yugoslavia and Kosovo Albanians: Set a timetable aimed at confidence-building measures and political solutions.**	Nothing significant to report.
8. **Federal Republic of Yugoslavia: Cooperate with the International Tribunal for the Former Yugoslavia in the investigation of possible violations.**	10 Dec.: Serb police blocked the Finnish forensics team from carrying out the first exhumations of Kosovo massacre victims in a dispute over Serb access to a UCK-controlled area. A Serb contingent, consisting of an associate police commander and nearly two dozen policemen wearing flak jackets and carrying automatic weapons, stopped the Finnish convoy on the road to Trstenik. The UCK in the area said that the police were unwelcome but that the Finnish team could proceed. The Serb police

Resolution tenet	Related activity
	were not satisfied with this arrangement and therefore prohibited the investigators from proceeding to the grave site. The Finnish team leader has accused the Serb side of obstruction, adding that the Serb action violated the diplomatic immunity of the Finnish Ambassador for Human Rights who accompanied the team.
	19 Jan.: The Government of the Federal Republic of Yugoslavia denied the chief of the International Tribunal for the Former Yugoslavia, Louise Arbour, entry to Kosovo to evaluate the alleged massacre of 45 civilians in Racak. The authorities of the Federal Republic of Yugoslavia have moved the bodies from a mosque in Racak to Pristina and have begun their own autopsies.
9. Federal Republic of Yugoslavia: Bring to justice security force members involved in mistreatment of civilians and the deliberate destruction of property.	There is no indication that the Government of the Federal Republic of Yugoslavia has assisted in this effort. See entry 8 above.
10. Kosovo Albanian leadership: Condemn all terrorist activity.	There has been no public declaration by either the political or the military leadership to denounce alleged UCK acts of terrorism during the reporting period.

* MUP = Special Police;

UCK = Kosovo Liberation Army;

VJ = Yugoslav Army.

Table 2*

Modalities for Kosovo Federal Republic of Yugoslavia security force reductions and operations agreed to by the North Atlantic Treaty Organization and the Federal Republic of Yugoslavia on 25 October 1998

Modality	Actions by the Federal Republic of Yugoslavia
1. Special Police units deployed to Kosovo after February 1998 will be withdrawn from Kosovo. Combined police/Special Police strength in Kosovo will be reduced to their February 1998 duty level.	There is strong evidence that Special Police detachments from Serbia proper continue to operate within Kosovo. There are no indications that externally based detachments are being withdrawn.
2. Any heavy weapons (12.7 mm and above) or equipment brought into Kosovo or transferred from the VJ to the police/Special Police after February 1998 will be withdrawn from Kosovo or returned to the VJ.	In violation of this provision, MUP has and is employing heavy weaponry in Kosovo.
3. Police/Special Police will resume their normal peacetime activities. Heavy weapons and equipment remaining under MUP control in Kosovo will be returned to cantonments and police stations.	See table 1, entry 4. Excessive traffic patrolling, fortification of observation posts and unauthorized checkpoints continue.
4. All VJ units and additional equipment brought into Kosovo after February 1998 will be withdrawn from Kosovo.	VJ forces may have been reinforced with personnel from outside Kosovo.
5. Except for those VJ currently augmenting border guards, all VJ elements remaining in Kosovo will return to garrison, with agreed exceptions.	VJ units clearly began to violate this requirement in mid-December and continue to deploy units above the agreed-to limits in size and location.
6. VJ and MUP commanders will provide to the Kosovo Diplomatic Observer Mission/OSCE detailed weekly reports on manning, weapons and activities of their forces and will provide immediate notification and explanation to the Kosovo Diplomatic Observer Mission/OSCE of any deployment contrary to these provisions.	VJ and MUP reporting has been inaccurate and misleading. VJ and MUP units have failed to account for equipment and personnel numbers and activities.
Federal Republic of Yugoslavia-Kosovo Diplomatic Observer Mission verification modalities	
7. All checkpoints will be dismantled.	MUP continue to maintain and build unauthorized checkpoints throughout Kosovo. Some include kitchens and sleeping facilities.
8. In case of incidents of increased tension, the police will have the right, upon notifying the Kosovo Diplomatic Observer Mission/OSCE, to perform patrol duties in armoured vehicles.	See entry 6 above. Notification is usually relayed after the fact as a statement of action already carried out.

* MUP = Special Police;

VJ = Yugoslav Army.

Table 3*

United Nations Security Council resolution 1203 (1998)

Resolution tenet	Related activity
1. Federal Republic of Yugoslavia: Cooperate fully with the Organization for Security and Cooperation in Europe (OSCE) Kosovo Verification Mission and Air Verification Mission.	Kosovo Air Verification Mission continues uninhibited with full support of the Federal Republic of Yugoslavia. On 18 January, the Government of the Federal Republic of Yugoslavia declared the Head of the OSCE Kosovo Verification Mission, Ambassador William Walker, "persona non grata" and ordered him to leave the Federal Republic of Yugoslavia within 48 hours.
2. Federal Republic of Yugoslavia: Comply immediately with Security Council resolutions 1160 (1998) and 1199 (1998).	Offensive operations conducted by VJ and MUP forces, inter alia, from 23 to 27 December in the Podujevo area and, from 15 to 21 January in the Stimlje region. See table 1, entries 1 and 4.
3. Federal Republic of Yugoslavia and Kosovo Albanians: Respect freedom of movement of OSCE Kosovo Verification Mission and other international personnel.	Both parties prohibit access in some areas and at some facilities. To date, the Federal Republic of Yugoslavia has not allowed Kosovo Verification Mission personnel access to border operations nor to some MUP facilities.
4. Federal Republic of Yugoslavia: Ensure the safety and security of all diplomatic personnel, including OSCE Kosovo Verification Mission personnel and all international and non-governmental organization humanitarian personnel.	On 17 January, without warning, MUP began mortar and automatic weapons fire in Racak, seriously endangering Kosovo Verification Mission personnel in the vicinity.
5. Federal Republic of Yugoslavia and Kosovo Albanians: Ensure personnel are not subject to the threat or use of force or interference of any kind.	On 15 January, UCK small arms fire wounded two Kosovo Verification Mission personnel. UCK claims firing was not intentional.
6. Federal Republic of Yugoslavia and Kosovo Albanians: Cooperate with international efforts to improve the humanitarian situation and avert pending humanitarian crisis.	Nothing significant to report.
7. Federal Republic of Yugoslavia: Create the conditions that allow internally displaced persons to return home.	See table 1, entry 6.
8. Federal Republic of Yugoslavia: Conduct prompt and complete investigation of all atrocities committed against civilians through the Hague-based International Tribunal for the Former Yugoslavia.	See table 1, entry 8.

* MUP = Special Police;

UCK = Kosovo Liberation Army;

VJ = Yugoslav Army.